

ORDINANCE NO. 2012 - ____

AN ORDINANCE TO AMEND CHAPTER 18, OFFENSES AND MISCELLANEOUS PROVISIONS OF THE MUNICIPAL CODE OF THE TOWN OF BLUFFTON,

Whereas, The Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and

Whereas, The Town of Bluffton Municipal Code Chapter 18, Offenses and Miscellaneous Provisions, Ordinance is hereby amended to comply that enables to better facilitate, regulate and supervise consistent treatment in the Town of Bluffton; and

Whereas, The Town of Bluffton has authority to enact such regulations and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and

Whereas, Amendment of Chapter 18, Offenses and Miscellaneous Provisions, of the Town of Bluffton Municipal Code restated as follows:

Article I. In General

- Sec. 18-1. Summons authorized; procedure for offenses other than breach of peace..
- Sec. 18-2. thru 18-20. Reserved.

Article II. Musical Devices, Entertainments

- Sec. 18-21. Disturbance at entertainments, gatherings, etc.
- Sec. 18-22. Amusement places to have entrances opening onto street.
- Sec. 18-23. Carnivals and street shows prohibited without permit.
- Sec. 18-24. thru 18-49. Reserved.

Article III Offenses Against Morality, Decency, And Public Welfare

- Sec. 18-50. Obstruction prohibited.
- Sec. 18-51. Disturbance at schools.
- Sec. 18-52. Gambling prohibited; exceptions.
- Sec. 18-53. Confiscation and destruction of gaming paraphernalia.
- Sec. 18-54. Keeping of gambling house prohibited.
- Sec. 18-55. Unlawful to keep or let bawdy houses.
- Sec. 18-56. Solicitation for illegal purposes.
- Sec. 18-57. Giving information or direction for illegal purposes.
- Sec. 18-58. Transportation of persons for illegal purposes.
- Sec. 18-59. Use of places for illegal purposes.
- Sec. 18-60. Drinking intoxicating beverages in public.
- Sec. 18-61. thru 18-80. Reserved.

Article IV. Offenses Against The Peace; Public Policy

- Sec. 18-81. Disorderly conduct, defined.
- Sec. 18-82. Discharge of firearms, dangerous devices.
- Sec. 18-83. Drug paraphernalia defined, declared unlawful.
- Sec. 18-84. Disruption of Court, Town Council, or other Public Meetings.
- Sec. 18-85. thru 18-113. Reserved.

Article V. Offenses Against Property

- Sec. 18-114. Advertising matter, painting, etc., prohibited.
- Sec. 18-115. Public events, gaining admission without payment.
- Sec. 18-116. Bad Checks.
- Sec. 18-117. Landmarks, altering, removing.
- Sec. 18-118. Property to be returned to Town.
- Sec. 18-119. thru 18-136. Reserved.

Article VI. Offenses Against The Person

- Sec. 18-137. thru 18-157. Reserved.

Article VII. Smoking Prohibition

- Sec. 18-158. Intent.
- Sec. 18-159. Definitions.
- Sec. 18-160. Prohibition of smoking in the workplace.
- Sec. 18-161. Smoking restricted by State Law (S.C. Code 1976, § 44-95-10 et seq.).
- Sec. 18-162. Exceptions.
- Sec. 18-163. Posting of signs.
- Sec. 18-164. Reasonable distance.
- Sec. 18-165. Jurisdiction, enforcement and penalties.
- Sec. 18-166. Conflict with other laws, ordinances or regulations.
- Sec. 18-167. Waivers.
- Sec. 18-168. thru 18-187. Reserved.

Article VIII. Gambling Devices On Vessels

- Sec. 18-188. Docking, embarkment/disembarkment prohibited within Town jurisdiction
- Sec. 18-189. thru 18-214. Reserved.

Article IX. Loitering

- Sec. 18-215. General.
- Sec. 18-216. Penalty.
- Sec. 18-217. thru 18-232. Reserved.

Article X. Disorderly or Nuisance Premise

- Sec. 18-233. Prohibition.
- Sec. 18-234. Definitions.
- Sec. 18-235. Penalties
- Sec. 18-236. thru 18-251. Reserved.

Article XI. Penalties

- Sec. 18-252. Plea of guilty or nolo contendere; forfeiture of bail.
- Sec. 18-253. Adoption of criminal laws of State.

ARTICLE I. IN GENERAL

Sec. 18-1. Summons Authorized; Procedure for Offenses other than Breach of Peace.

(a) In all actions of the violations of the provisions of the ordinances of the Town not amounting to a breach of the peace, the initial process may be a summons issued by the Town officials or employees, whom are authorized by subsection (e) of this section to issue summons commanding the person named therein as defendant to appear before the Municipal Court at a time to be sent in the summons.

(b) The summons shall cite only one violation per summons and must contain the following information:

- (1) Name and address of the person or entity charged;
- (2) The name and title of the issuing officer;
- (3) The time, date, and location of the hearing;
- (4) A description of the ordinance violated;
- (5) The procedure to post bond; and
- (6) Any other notice or warning otherwise required by law.

(c) Breach of peace shall be considered a generic term and shall include all violations of public peace or order and acts tending to be a disturbance thereof.

(d) Any person who fails to appear before the court as required by the summons, without first having posted such bond as may be required or without having been granted a continuance by the court, upon conviction, shall be guilty of a misdemeanor.

(e) The Town Council shall designate individuals who shall be authorized to issue municipal summons which shall be recorded upon the minutes of the Council.

(f) This section shall not apply to any ordinance which regulates the use of motor vehicles on the public roads.

(g) This section shall not be constructed as a limitation upon the power of any person, officer, or employee to seek or pursue any other lawful process or legal remedy.

(h) The bond amount for violations shall be prescribed by the Municipal Judge. Bonds shall be posted in the manner prescribed by the Municipal Judge. Town Code Enforcement Officers, when appointed and Town law enforcement officers shall be prohibited from accepting bonds.

(i) Any summons issued under the provisions of this article shall not be used to perform a custodial arrest.

(Code 1999, § 14.101)

Secs. 18-2 thru 18-20. Reserved.

ARTICLE II. MUSICAL DEVICES, ENTERTAINMENTS

Sec. 18-21. Disturbance at Entertainments, Gatherings, Etc.

It shall be unlawful for any person to behave disorderly in any public hall or other place of amusement, entertainment, or gathering; to enter the same in a drunken condition; or to interrupt any play, performance, lecture, entertainment, or service therein or any player, speaker, or other person taking part therein.

(Code 1999, § 14.403)

Sec. 18-22. Amusement Places to have Entrances Opening onto Street.

All places of public amusements, for safety purposes, shall have entrances which open onto a public street.

(Code 1999, § 14.404)

Sec. 18-23. Carnivals and Street Shows Prohibited without Permit.

(a) All carnival or street shows or any business of the like are hereby forbidden to show, parade, or otherwise engage in business without the written permission of the Town Manager.

(b) Permits, when issued, shall specify the date, time, place, length of show, durations or appearance, and all other details as may be required by the Town Manager

(Code 1999, § 14.405)

Secs. 18-24 thru 18-49. Reserved.

ARTICLE III. OFFENSES AGAINST MORALITY, DECENCY, AND PUBLIC WELFARE

Sec. 18-50. Obstruction Prohibited.

(a) It shall be unlawful for any person to obstruct the access to any public building or any part thereof, or obstruct the passage of any person through any public street, park, or public place.

(b) For the purpose of this section, the term “obstruction” shall encompass, but shall not necessarily be limited to, one or more of the following acts:

- (1) Obstruction of the unhampered passage of pedestrians or vehicles;
- (2) Obstructing, molesting, or interfering with any person lawfully upon any street, park, or other public place; or
- (3) Refusing to move when requested to do so by a police officer, provided the police officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

(Code 1999, § 14.603).

Sec. 18-51. Disturbance at Schools.

(a) It shall be unlawful for any person willfully or unnecessarily:

- (1) To interfere with or to disturb in any way or in any place the students or teachers of any school;
- (2) To loiter about such school premises; or
- (3) To act in an obnoxious manner thereon.

(b) It shall be unlawful for any person to enter upon any school premises or loiter around the premises, except on business, without the permission of the principal or person in charge.

(Code 1999, § 14.605)

Sec. 18-52. Gambling Prohibited; Exceptions.

(a) It shall be unlawful for any person to engage in gambling or games of chance, or to keep or operate, or permit to be kept or operated, any slot machine, punchboard, tipboard, or other device pertaining to games of chance or whatsoever name or kind, unless otherwise legal under State law.

(b) Exceptions shall be included automatic weighing, measuring, musical, and vending machines which are so constructed as to give a certain uniform and fair return in

value for each coin or bill deposited therein, and in which there is no element of chance, as may be permitted by State Statutes.

(Code 1999, § 14.607)

Sec. 18-53. Confiscation and Destruction of Gaming Paraphernalia.

Upon the charging of any person in Municipal Court of a violation of section 18-52, it shall be the duty of the police, whenever possible, to seize and take into possession any gaming device, machine, punchboard, tipboard, or other device of whatever name or kind pertaining to games of chance. Upon conviction in Municipal Court, It shall be the duty of the police officers of the Town to destroy the gaming device of whatever name or kind.

(Code 1999, § 14.608)

Sec. 18-54. Keeping of Gambling House Prohibited.

It shall be unlawful for any person to keep or maintain a gambling house or room or place where people resort to engage in gambling or games of chance, or to permit gambling or games of chance in any building or premises or under their control.

(Code 1999, § 14.609)

Sec. 18-55. Unlawful to Keep of Let Bawdy Houses.

The keeping of a bawdy house, disorderly house, or a house of prostitution within the corporate limits shall be deemed a misdemeanor for the owner or lessee of any dwelling house or other building situated within the corporate limits, to let or sublet such dwelling house or other building to any person to be used, or with the knowledge that the same is intended to be used, and kept as a bawdy house or house of prostitution.

(Code 1999, § 14.610)

Sec. 18-56. Solicitation for Illegal Purposes.

It shall be unlawful for any person to invite or entice any person upon any street, public square, or enclosure to accompany, go with, or follow such person to any place for illegal purposes, or to incite, entice, or address any person from any door, window, porch, or porticio of any house or building, to enter any house, go with, or accompany such person to any place for illegal purposes.

(Code 1999, § 14.611)

Sec. 18-57. Giving Information or Direction for Illegal Purposes.

It shall be unlawful for any person to give information about any house or place for illegal purposes, whether the communications is by word of mouth, or direction. Telephone, or in writing.

(Code 1999, § 14.612)

Sec. 18-58. Transportation of Persons for Illegal Purposes.

It shall be unlawful for any person to transport, carry, convey, or assist by aiding, abetting, encouraging, requesting, or other, in transporting, carrying, conveying in, or accompanying by any ways and means whatsoever any person for any illegal purpose.
(Code 1999, § 14.613)

Sec. 18-59. Use of Places for Illegal Purposes.

It shall be unlawful for any person to take, rent, use, or occupy any place for illegal purposes.
(Code 1999, § 14.614)

Sec. 18-60. Drinking Intoxicating Beverages in Public.

It shall be unlawful for any person to drink any kind of intoxicating alcoholic beverages on the streets, alleyways, highways, or other such public places, except for permitted activities.
(Code 1999, § 14.617)

Secs. 18-61 thru 18-80. Reserved.

ARTICLE IV. OFFENSES AGAINST THE PEACE; PUBLIC POLICY

Sec. 18-81. Disorderly Conduct, Defined.

(a) It shall be unlawful to conduct oneself in a disorderly manner with the purpose to cause public inconvenience or alarm, or recklessly create a risk thereof by:

- (1) Engaging in fighting, threatening, violent, or tumultuous behavior, or breach of the peace.
- (2) Making unreasonable noise.
- (3) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the act.
- (4) The existence of any disorderly, lewd or indecent conduct by scurrilous, obscene, indecent, or profane writing, picture, mark, or figure on any wall, fence, house, or structure.

(b) For the purpose of this section, the term “public” means affecting or likely to affect any person in a place to which the public or a substantial group has access. Among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or entertainment, governmental buildings, any neighborhood, and in automobiles.
(Code 1999, § 14.701)

Sec. 18-82. Discharge of Firearms, Dangerous Devices.

(a) It shall be unlawful for any person to carelessly or negligently discharge or cause to be discharged any loaded or unloaded firearm of any kind.

(b) It shall be unlawful within the corporate limits to fire, aim, or discharge any air rifle, pellet rifle, slingshot, or other device, in any manner which may be intentionally used to harm any person or property.

(c) Nothing contained herein shall be construed to abridge the right of self-defense or to apply to theatricals or like performances or to police officers in the discharge of their duties.

(d) Nothing herein shall prohibit hunting if otherwise permitted under State Law.
(Code 1999, § 14.705)

Sec. 18-83. Drug Paraphernalia Defined, Declared Unlawful.

(a) The term “Drug Paraphernalia” is hereby defined as equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing, or injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance.

(b) It shall be unlawful to possess drug paraphernalia within the corporate limits with the intent of selling, donating, or otherwise distributing same for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal, or inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance in violation of this section.
(Code 1999, § 14.710)

Sec. 18-84. Disruption of Court, Town Council, or other Public Meetings.

It shall be unlawful for any person to materially interrupt the proceedings of the Municipal Court or any official Public meeting, or be guilty of disorderly conduct therein, or to commit any contempt thereof.
(Code 1999, § 14.711)

Secs. 18-85 thru 18-113. Reserved.

ARTICLE V. OFFENSES AGAINST PROPERTY

Sec. 18-114. Advertising Matter, Painting, Etc., Prohibited.

No person shall print, paint, or in any other way deface the sidewalks, streets, or other public property of the Town for advertising or other purposes; provided, however, that

nothing herein contained shall be constructed to prohibit SCDOT, the Police Department, or any other department of the Town from marking the sidewalks or streets for the purpose of controlling traffic or for any other Town purpose.
(Code 1999, § 14.810)

Sec. 18-115. Public Events, Gaining Admission Without Payment.

It shall be unlawful for any person:

- (1) Unless otherwise authorized, where an admission charge is made, to gain admittance to any athletic contest or other public event, without paying the price of admission;
- (2) Unless upon his own premises, to witness an athletic contest or other public event, where an admission is charged, without paying the price of said admission; or
- (3) To aid, abet, or assist in any way any other person to witness any athletic contest or other public event without said person paying the admission charge.

(Code 1999, § 14.811)

Sec. 18-116. Bad Checks.

Pursuant to S.C. Code 1976, § 34-11-90, the Town adopts by reference the provisions of S.C. Code 1976, § 34-11-10 et seq., authorizing the Municipal Court to try violations of that chapter of State Law.
(Code 1999, § 14.813)

Sec. 18-117. Landmarks; Altering, Removing.

If any person shall knowingly, willfully, maliciously, or fraudulently cut, fell, alter, or move any certain boundary tree or other allowed landmark, lamppost, post, or shade tree, such person so offending, upon conviction, shall be guilty of a misdemeanor.
(Code 1999, § 14.814)

Sec. 18-118. Property to be Returned to Town.

Upon leaving Town employment or any Town office, it shall be unlawful for any employee of official, including volunteers, to fail to return to the Town any Town property or equipment issued to him, including this Code. This section does not prevent the Town Manager from gifting items of de minimus value.
(Code 1999, § 14.817)

Secs. 18-119 thru 18-136. Reserved.

ARTICLE VI. OFFENSES AGAINST THE PERSON

Secs. 18-137 thru 18-157. Reserved.

ARTICLE VII. SMOKING PROHIBITION

Sec. 18-158. Intent.

The council finds that it is in the best interest of the people of the Town to protect nonsmokers from involuntary exposure to secondhand smoke in the workplace. Therefore, the Council declares that the purpose of this article is to preserve and improve the health, comfort and environment of the people of the Town by limiting exposure to tobacco smoke in the workplace.

(Ord. No. 2006-20, § 2. 12-12-2006; Ord. 2008-21, § 2, 11-18-2008)

Sec. 18-159. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means any person who performs services for an employer in return for wages, profit or other valuable consideration.

Employer means any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer, any manager, supervisor, and all other persons charged with control, supervision, and operation of any workplace or work space, as defined herein, that employs one or more persons.

Enclosed means a space bounded by walls (with or without windows), and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls.

Secondhand Smoke means the complex mixture formed from the escaping smoke of a burning tobacco product (termed as “sidestream smoke”) and from smoke exhaled by the smoker. Exposure to second hand smoke is also frequently referred to as “passive smoking,” “secondhand smoking” or “involuntary smoking.”

Police Department means the Bluffton Police Department.

Public Building means any building owned, operated or leased by the Town.

Retail Tobacco Store means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely

incidental, and into which the entry of persons under the age of 18 years is prohibited at all times.

Smoking means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.

Smoking Materials includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.

Workplace means any enclosed indoor area, structure, building or facility or any portion thereof at which one or more employees perform services for their employer, including but not limited to: retail food stores; retail stores; restaurants; bars; cabarets; cafes; public or private clubs; and pool halls and bowling alleys.

Work Space or Work Spaces means any enclosed area occupied by an employee during the course of his employment, including but not limited to offices, customer service areas, common areas, hallways, waiting areas, restrooms, lounges and eating areas. (Ord. No. 2006-20, § 3, 12-12-2006; Ord. No. 2008-21, § 3, 11-18-2008)

Sec. 18-160. Prohibition of Smoking in the Workplace.

(a) The employer shall provide a smoke-free environment for all employees working in all work spaces and work places as those terms are defined herein. Further, the employer and all employees shall prohibit any persons present in said work space, work spaces and workplaces from smoking tobacco products therein.

(b) It is unlawful for a person to smoke or possess lighted smoking material in any form in all work spaces and workplaces in a workplace. This includes all common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, hallways, medical facilities, cafeterias, employee lounges, staircases, restrooms and all other enclosed areas in the workplace.

(Ord. No. 2006-20, § 3, 12-12-2006; Ord. No. 2008-21, § 4, 11-18-2008)

Sec. 18-161. Smoking Restricted by State Law (S.C. Code 1976, §44-95-10 et seq.)

It is unlawful for a person to smoke or possess lighted smoking material in any form in the following public indoor areas:

- (1) Public schools and preschools where routine or regular kindergarten, elementary, or secondary educational classes are held, including libraries;
- (2) All other indoor facilities providing children's services to the extent that smoking is prohibited in the facility by Federal Law and all other child day care facilities, as defined in S.C. Code 1976, § 20-7-2700, which are licensed pursuant to Subarticle 11, Article 13, Chapter 7, of Title 20 of the South Carolina Code;

- (3) Health care facilities as defined in S.C. Code 1976, § 44-7-130;
 - (4) Government buildings as defined in S.C. Code 1976, § 44-95-20(4), except to the extent regulation by the Town is authorized therein;
 - (5) Elevators;
 - (6) Public transportation vehicles;
 - (7) Arenas and auditoriums of public theaters or performing art centers.
- (Ord. No. 2006-20, § 5, 12-12-2006; Ord. No. 2008-21, § 5, 11-18-2008)

Sec. 18-162. Exceptions.

Notwithstanding the provisions of section 18-160, smoking may be permitted in the following places and/or circumstances:

- (1) Private residences, except when used as a licensed child care, adult day care or healthcare facility;
 - (2) Hotel, motel, inn, bed and breakfast and lodging home rooms that are rented to quests, designated as ‘smoking rooms’ (“rooms”) provided that the total percentage of such rooms does not exceed 25 percent in such establishment. A room so designated shall have signs posted indicating that smoking is allowed therein;
 - (3) Retail tobacco stores as defined herein;
 - (4) Religious ceremonies where smoking is part of the ritual;
 - (5) Restaurants, bars, cafes, etc., with totally separate smoking facilities, HVAC systems, entrances, exits and restrooms.
- (Ord. No. 2006-20, § 6, 12-12-2006; Ord. No. 2008-21, § 6, 11-18-2008)

Sec. 18-163. Posting of Signs.

The owner, manager or person in control of an establishment or area in which smoking is prohibited pursuant to this article shall post a conspicuous sign at the main entrance to the established area. The sign shall contain the words “No Smoking” and the universal symbol for no smoking.

(Ord. No. 2006-20, § 7, 12-12-2006; Ord. No. 2008-21, § 7, 11-18-2008)

Sec. 18-164. Reasonable Distance.

Smoking is prohibited within a reasonable distance of outside entrances, operable windows, and ventilation system of enclosed areas where smoking is prohibited, so as to ensure that tobacco smoke does not enter those areas.

(Ord. No. 2006-20, § 8, 12-12-2006; Ord. No. 2008-21, § 8, 11-18-2008)

Sec. 18-165. Jurisdiction, Enforcement and Penalties.

(a) The Town Municipal Court shall have jurisdiction over prosecuting violations of the provisions of this article:

(b) The Bluffton Police Department shall enforce the provisions of this article. In addition. Designated code enforcement employees of the County shall have the power to enforce the provisions of this article.

(c) Any person who violates any provision of this article shall be subject to a civil fine not to exceed \$100.00.

(d) Each citation shall constitute a separate violation.
(Ord. No. 2006-20, § 9, 12-12-2006; Ord. No. 2008-21, § 9, 11-18-2008)

Sec. 18-166. Conflict with other Laws, Ordinances and Regulations.

Nothing in this article shall be deemed to amend or repeal any applicable fire, health or other law, ordinance or regulation so as to permit smoking in areas where it is prohibited by such applicable fire, health or other law, ordinance or regulation.

(Ord. No. 2006-20, § 11, 12-12-2006; Ord. No. 2008-21, § 11, 11-18-2008)

Sec. 18-167. Waivers.

(a) Any employer, owner, manager or other person having control of a workplace subject to this article may apply to the Town Manager or his designee for a waiver of any provision of this regulation for a period not to exceed 90 days.

(b) All waivers shall be submitted to the Town Manager or his designee on an application form provided by the Town along with a \$100.00 non-refundable filing fee payable to the Town of Bluffton

(c) The decision to grant such a waiver shall be in the sole discretion of the Town Manager or his designee, based upon his determination that such waiver is in the public interest. In so determining, the Town Manager or his designee may take into account, but is not limited to the following:

- (1) The efforts that the employer, owner, manager or other person having control of a workplace has made toward compliance with this article;
- (2) Whether or not the workplace will be in compliance with all terms of this article within 90 days; and
- (3) Whether or not the granting of the waiver will result in an appreciable danger to the health of the public.

(d) No employer, owner, manager or other person having control of a workplace shall be granted more than one waiver.

(Ord. No. 2006-20, § 12, 12-12-2006; Ord. No. 2008-21, § 12, 11-18-2008)

Secs. 18-168 thru 18-187. Reserved.

ARTICLE VIII. GAMBLING DEVICES ON VESSELS*

Sec. 18-188. Docking, Embarkment/Disembarkment Prohibited within Town Jurisdiction.

(a) The Town hereby prohibits within its jurisdiction the docking and embarkation or disembarkation of passengers aboard gambling vessels, as defined in S.C. Code 1976, § 3-11-100(1), that provide gambling abroad voyages that depart from the jurisdiction of the Town, leave the territorial waters of the State of South Carolina, sail into United States or International waters, and return to the territorial waters of the State of South Carolina without making an intervening stop, as defined in S.C. Code 1976, § 3-11-100(3). Nothing herein shall be construed to prohibit, regulate, or otherwise apply to passenger cruise liners, as defined by S.C. Code 1976, § 3-11-100(5), nor shall this section apply to vessels described in S.C. Code 1976, § 3-11-400(A).

***State Law Reference** – Gambling Cruise Prohibition Act, delegation of regulatory power to municipalities, S.C. Code 1976, § 3-11-200(A).

(b) Anyone violating this section must be assessed a civil penalty of not more than \$100.00 per passenger for each violation, with an aggregate total in penalties not to exceed \$50,000.00 per gambling vessel for a 24-hour period. For the purposes of this section, the term “per passenger” is defined as the total number of passengers allowed on a vessel pursuant to its United States Coastal Guard certificate of documentation or equivalent foreign documentation. In addition, violations of this section are subject to injunctive relief.

(c) The exceptions for passenger cruise liners and S.C, Code 1976, § 3-11-400(D) are so connected with the other provisions of this section that they are mutually dependent on each other as conditions and considerations for each other, so that the Council would not have adopted this section without them; therefore, should these exceptions be found unconstitutional or invalid, it is the intent of the Council that the entire section be found invalid.

Secs. 18-189 thru 18-214. Reserved.

ARTICLE. IX. LOITERING

Sec. 18-215. General.

(a) It shall be unlawful for any person to inhabit or remain in any public place for a period longer than which is reasonably necessary to utilize the public place for its intended purpose.

(b) It shall be unlawful for any person who, after first being warned by a law enforcement officer, or in an area where a no-loitering sign has been posted, to loiter, stand, sit or lie in or upon any public or quasi-public sidewalk, street, curb, crosswalk, walkway, mall, or that portion of private property utilized for public use.

(c) It shall be unlawful for any person, while in a public place, create or cause to be created any situation that disturbs the comfort of another person, or the ability to another person to enjoy the public place for the purpose for which that place is meant by or through activities such as:

- (1) The use of loud, vulgar, obscene, profane, sexually explicit or suggestive language;
- (2) Obstructing or interfering with the free passage of any vehicle or pedestrian;
- (3) Creating or threatening to create or cause a breach of the public peace;
- (4) Begging or pandering;
- (5) Soliciting or engaging in any commercial trade or commercial transaction unless specifically authorized to do so.

Sec. 18-216. Penalties.

(a) Unless flight by the individual makes it impracticable, upon first contact with an individual in violation of this section, a law enforcement officer, prior to any arrest or citation under this section, shall afford the individual the opportunity to identify themselves and explain their presence and conduct, cease and desist the activity, and depart the public place.

(b) A person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined five hundred dollars (\$500.00) and/or imprisoned for up to thirty (30) days.

Secs. 18-217. thru 18-232. Reserved.

ARTICLE X. DISORDERLY OR NUISANCE PREMISE.

Sec. 18-233. Prohibition.

Any real property upon which its owners, property managers, tenants or occupants cause, permit, or maintain any activity that constitutes a public nuisance which results in frequent calls for service by law enforcement officials during a relatively short period of time is hereby declared to be a public nuisance.

Sec. 18-234. Definitions.

(a) For the purposes of this section, a public nuisance is defined as any offense against the public order, peace, and economy of the Town. It includes, but is not limited to, any act, or any omission to perform any duty, which the common good, public decency or morals, or the public right to life, health, safety, and the use of property requires and which at the same time annoys, injures, endangers, renders insecure or interferes with the rights common to all members of the community, or unreasonably interferes with or obstructs the public in general, or any considerable number of persons, in their use of public property.

(b) For the purposes of this section, three (3) or more calls for service to address separate violations within any six (6) month period shall constitute frequent calls for service by law enforcement officials during a relatively short period of time. Calls for service must be documented by police response and be for activities including but not limited to:

- 1) Unauthorized and Junk Vehicles
- 2) Fire Code
- 3) Health and Sanitation
- 4) Stalking
- 5) Harassment
- 6) Failure to Disperse
- 7) Disorderly Conduct
- 8) Assault
- 9) Any Domestic Violence Crimes
- 10) Reckless Endangerment
- 11) Prostitution
- 12) Patronizing a Prostitute
- 13) Public Disturbance Noises
- 14) Lewd Conduct
- 15) Any Firearms/Dangerous Violations
- 16) Drug Related Loitering
- 17) Any Dangerous Animal Violations
- 18) Any Drug Related Activity

Although an arrest for these activities is not required, investigations must indicate that activities are linked to the property in question and that preponderance of the facts indicates a violation occurred.

Sec. 18-235. Penalties.

(a) When a property is determined to be a disorderly or nuisance premise as described in this section, the Town Manager may send written notice to the owner of the property, property manager, tenant, or occupant advising the owner, property manager, tenant, or occupant that the property has been declared a disorderly or nuisance premise.

Notice shall be presumed when the written notice is either personally served upon the owner, property manager, tenant, or occupant or mailed to the last known address of the owner, property manager, tenant, or occupant, and a copy is left at the property in question. The owner, property manager, tenant, or occupant shall have thirty (30) days from notice to abate the nuisance.

(b) If the property owner, property manager, tenant, or occupant refuses or fails to take reasonable measures to abate the nuisance within the proscribed thirty (30) days, that person is deemed guilty of a misdemeanor and upon conviction is subject to up to thirty (30) days confinement and/or a five hundred dollar (\$500) fine.

(c) Further, if the property owner, property manager, tenant, or occupant refuses or fails to take reasonable measures to abate the nuisance within thirty (30) days after a conviction for violation of this section, it is in the discretion of the Town Manager to take such steps necessary to abate the nuisance at the offender's expense.

ARTICLE XI. PENALTIES

Sec. 18-252. Plea of Guilty or Nolo Contendere; Forfeiture of Bail.

The entry of any pleas of guilty or nolo contendere, or the forfeiture of any bail posted, for the violation of any provision of this Code, or for the violation of any other law or

municipal ordinance, shall have the same effect as a conviction after trial under such provisions.

(Code 1999, § 14.1102)

Sec. 18-253. Adoption of Criminal Laws of State.

All acts and conduct that constitute violation of the common law and statutory law, as set forth in the 1976 South Carolina Code of laws, and amendatory thereof, are hereby declared unlawful, when such acts, conduct, or violations occur, insofar as such provisions and violations can have application and the punishment of which is within the jurisdiction of the Town Council.

(Code 1999, § 14.1103)

Penalties.

Any person, persons, firm, company, representative of any firm or company otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor, each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. (1976 SC Code §14-25-65)

Severability.

Each of the provisions of the ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

Effective Date.

This ordinance shall become effective thirty (30) days after its adoption.

NOW, THEREFORE BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, AND IT BE ORDAINED BY SAID AUTHORITY OF COUNCIL.

First Reading was held on this Ordinance on _____, 2012.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina

Second and final reading was held on the Ordinance on _____, 2012.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina